

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 11, 2009
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, August 11, 2009 at 9:00 A.M. and 10:00 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and no one was present to address the board.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve July 28, 2009 minutes
2. Accept reports
 - Clerk of the District Court July 2009 Report
 - Community Action Partnership of Mid-Nebraska R.Y.D.E Report for June 2009

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction and County Sheriff Neil Miller were present for updated reports and discussion on Phase 1B of the Justice Center Project. Sheriff Miller was present to discuss the timing of placing the new base for the radio tower in conjunction with the project. Moved by Dannehl and seconded by Morrow to suspend the formal bidding process for the base of the tower based upon the uniqueness and urgency of the project and to authorize Sheriff Miller to move forward with the purchase of the tower base. Bids for the tower will be let at a later date. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. Thank you note from the Dean Palser family was received. The U.S. Department of Commerce sent a "Targeted Nonsheltered Outdoor Location Form" to be completed. The Buffalo County Community Partners sent their annual Report. The Nebraska State Historical Society announced the official listing of the Kearney National Guard Armory on the National Register of Historic Places. The Nebraska State Historical Society also notified the Board of Supervisors of the nomination of the Masonic Temple & Theater Building to the National Registry. City of Kearney sent notice of the Blight Determination Study/Redevelopment Plan for Area 9 and Area 10 of the City of Kearney and the Annexation of Buckle Second Addition and the Annexation of East Highway 30 from Antelope Avenue to Cherry Avenue, Platte River Commercial Park Addition, Platte River Commercial Park Second Addition, North Acre Third and Buffalo Commons Retirement Village. The Board was invited to the Ribbon Cutting and Open House of the Nebraska Firefighters Museum and Education Center. NACO sent the Open Meetings Act Revision notices that are effective August 30, 2009. Chairman Pierce then called on each Board member for committee reports and recommendations.

Moved by Loewenstein and seconded by McMullen to authorize Chairman Pierce to sign the Region 3 Behavioral Health Services Emergency Protective Custody Agreement. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by Greder to approve the following Resolution 2009-50 to authorize the transfer of uncollected taxes to inactive status. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

RESOLUTION 2009-50

BE IT RESOLVED that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Supervisors, with the request that the taxes be placed on an inactive status, and stating that Distress Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for collection of said taxes, all of which, being in accordance with Nebraska Statutes in such cases, the County Board of Supervisors hereby authorize the transfer of said taxes to an inactive status. 77-1738

Moved by Klein and seconded by Greder to recess the regular meeting of the Board of Supervisors at 10:08 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and County Assessor Joe Woodward were present. Chairman Pierce opened the hearing for the Epona Horse Rescue motor vehicle exemption application. Belinda Beaune, Director of the Epona Horse Rescue was present and explained that the vehicles would be use to transport horses to and from the Rescue. Chairman Pierce closed the hearing at 10:16 A.M. Moved by McMullen and seconded by Greder to approve the application for motor vehicle tax exemption as indicated on the application on a 2000 Chevrolet pickup, 2009 Ford Pickup and a 2009 Livestock trailer. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Evangelical Lutheran Good Samaritan Society on a 2002 Ford Van. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Loewenstein to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Mid Nebraska Individual Services on a 2005 Dodge van. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Morrow and Pierce. Abstain: Klein. Motion declared carried.

Moved by Klein and seconded by Greder to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Ravenna Good Samaritan Center on the following vehicles: 1996 Mercury, 1997 Ford, 2008 Buck Dandy trailer and a 2008 Dodge. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Dannehl, Loewenstein, McMullen, Morrow and Pierce.

Moved by Loewenstein and seconded by Greder to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for St. Lukes Good Samaritan Village on the following vehicles: 2003 Dodge, 2000 Chevrolet and 2006 Buck Dandy trailer. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce.

Moved by Loewenstein and seconded by Morrow to approve tax list corrections 3603 through 3605 and 3610 through 3616 submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Klein to recess the Board of Equalization at 10:21 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Dannehl to move into Executive Session at 10:22 A.M. to discuss personnel issues. County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Klein and seconded by Dannehl to return to the regular meeting at 10:59 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

ZONING

Chairman Pierce announced that the public hearing for an Administrative Subdivision has been rescheduled. Carolyn and James Bendfeldt are applying for an administrative subdivision to be known as Bendfeldt Acres. Public notices were sent out but the sign posting had been removed from the property, therefore this hearing will be held on August 25, 2009 at 11:00 A.M.

WORK SESSION

Larry Goldberg, Cliff Sullivan, and Derek Potomek from Goldberg, Sullivan, McCreery Architects & Planners Inc were present for discussion on Phase 2 of the Justice Center Project. Also present for discussion were Judge William Wright, Judge Graten Beavers, Judge Gerald Jorgensen, Clerk of the County Court Jan Haeker and Clerk of the District Court Sharon Mauler. Supervisor Klein excused himself at 12:03 P.M.

At 12:15 P.M Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until Tuesday, August 25, 2009 at 9:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.